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Patrick M. Harrington
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December 2, 2020

Via: ECF

The Honorable Nitza Ileana Quiñones Alejandro
Eastern District of Pennsylvania
United States District Court

**RE: GAY v. THE CHILDREN'S HOSPITAL OF PHILADELPHIA et al.
2:18-cv-02880-NIQA**

Dear Judge Quiñones Alejandro:

This firm represents Defendants, Children's Hospital of Philadelphia, et al. (collectively "CHOP"), in the above-captioned matter. It has come to our attention that Plaintiff *pro se* Katharine Gay has been communicating with the court, on several occasions through a third-party proxy, George Brook Gay ("Mr. Gay"). The latest such correspondence is a request to change the registered ECF email address from Mr. Gay's prior email address to Mr. Gay's current email address. [See ECF 85.] Upon information and belief, Mr. Gay is Plaintiff's nephew.

Mr. Gay is not a lawyer, nor has he entered his appearance in this matter, nor has he made any formal request to act on behalf of Plaintiff, other than representing that he has a family association with Plaintiff, who is his aunt. [See ECF 85.]

CHOP objects to Mr. Gay's involvement in this case. He is not a member of the Bar, and may not advocate for Plaintiff *pro se*. This is not the first time this has occurred, as Mr. Gay reached out to this Court in April of this year, via email and *ex parte* stating that the undersigned sent Plaintiff a "cover letter stating fabricated reasons for not mailing paper documents," after Mr. Gay registered for ECF, using his email address, on behalf of Plaintiff. A copy of this email is annexed to this letter. Such advocacy by a non-party and non-lawyer on behalf of Plaintiff *pro se* is highly inappropriate. By way of example, the *NOTICE OF GUIDELINES FOR REPRESENTING YOURSELF (APPEARING "PRO SE") IN CIVIL CASES*, published by this Court, states that even with a "power of attorney," the rules "do[] not permit a pro se litigant who is not an attorney to represent another person in federal court."¹

¹ Available at <https://www.paed.uscourts.gov/documents/notices/ntcproseguide.pdf> (last visited December 2, 2020)

CHOP does not object to Mr. Gay acting as an intermediary for purposes only of facilitating electronic communications with the Plaintiff. But such an arrangement must be disclosed to and regulated by the Court to assure compliance with applicable rules by the *pro se* Plaintiff. CHOP takes no position as to the propriety of any such arrangement.,

Respectfully,

A handwritten signature in black ink, appearing to read 'Patrick M. Harrington', written in a cursive style.

Patrick M. Harrington

Counsel for Defendants

Subject: Re: 2:18-cv-02880-NIQA GAY v. THE CHILDREN'S HOSPITAL OF PHILADELPHIA
et al
Date: 5/4/2020 3:25 PM
From: "Brook Gay" <brook@mmadie.com>
To: "Harrington, Patrick M." <pharrington@dilworthlaw.com>
Cc: "Goebel, Danielle" <dgoebel@dilworthlaw.com>, "Nicole Phillippi"
<Nicole_Phillippi@paed.uscourts.gov>

Mr. Harrington

My aunt received your letter in the mail on Friday. Your letter states that you find paper communications burdensome and "As such, going forward, courtesy copies of filings will not be provided". Going forward, are you expecting me to print and mail a paper copy of your documents to my aunt? My Aunt will require additional time to respond to your documents in the future given this indirect route of communication.

You can see from the following thread below that my email was given to the Court for the purpose of receiving copies of court orders during the COVID-19 crisis, and my aunt can be contacted *directly* by mail or phone.

Sincerely,

George Brook Gay

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Brook Gay <brook@mmadie.com>
Date: Sat, Apr 4, 2020 1t 1:18 PM
To: PAED_DOCUMENTS@paed.uscourts.gov
Subject: Email for Pro Se Litigant

Greetings and salutations!

I am writing on behalf of my aunt, Kathryn Gay, the *pro se* plaintiff in E.D.Pa. Case No. 2:18-cv-02880. Since my aunt's injuries have rendered her incapable of reliably receiving and responding to email, hard copies are preferred. In response to COVID-19 developments, she has requested that I facilitate any email documents served by the Court.

Copies of orders on Kathryn Gay, *pro se*, can be emailed to me, George Brook Gay, at brook@mmadie.com.

As before, Kathryn Gay can be contacted by mail at 1830 Manning Street, Unit 3, Philadelphia Pennsylvania 19103, or phone at (404) 936-2103.

Sincerely,

Brook Gay

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Brook Gay <brook@mmadie.com>
Date: Tue, Apr 28, 9:05 PM
To: ecf_paed@paed.uscourts.gov
Subject: Fwd: Mailing Information for pro se litigant

----- Forwarded message -----

From: **Brook Gay** <brook@mmadie.com>
Date: Fri, Apr 24, 2020 at 5:27 PM
Subject: Mailing Information for pro se litigant
To: <PAED_DOCUMENTS@paed.uscourts.gov>

about:blank

12/2/2020

I am receiving emails on behalf of my aunt, Kathryn Gay, the *pro se* plaintiff in E.D.Pa. Case No. 2:18-cv-02880 since the nature of her injuries makes it difficult to rely on electronic communications.

I have received email notifications from the Court, but have not received *any* emails from the opposition, contrary to their Certificate of Service.

Failing to receive filed documents filed last week as expected by mail, my Aunt left a voice message with the opposition's attorney, Mr. Harrington, requesting that he resend the paper copies. On April 21, Mr. Harrington mailed a "courtesy copy" of one of the previous week's filings accompanied by a cover letter stating fabricated reasons for not mailing paper documents, and a print out of "Mailing Information" for this case. The "Mailing Information for Case 2:18-cv-02880-NIQA GAY v. THE CHILDRENS HOSPITAL OF PHILADELPHIA *et al*" shows my email address under the "Electronic Mail Notice List", but shows "No manual recipients" under the "Manual Notice List".

Please add my aunt's address to the "Manual Notice List" as follows.

Dr. Kathryn Gay

1830 Manning Street
Unit 3
Philadelphia, PA 19103

Sincerely,

George Brook Gay

--

Brook Gay III
Licensed Real Estate Salesperson

Michel Madie Real Estate Services

email: brook@mmadie.com

On Wed, Apr 29, 2020 at 10:35 AM Harrington, Patrick M. <pharrington@dilworthlaw.com> wrote:

Ms. Phillippi:

Please see attached letter to Plaintiff, on which you were cc'ed. Plaintiff is also cc'ed on this email, so as to not engage in ex parte communications.

Respectfully,

Patrick Harrington

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--

Brook Gay III
Licensed Real Estate Salesperson

Michel Madie Real Estate Services

email: brook@mmadie.com

phone: 917-972-9939

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